

Entered -08-16-01 - sb
CL 01L0518 - GWENDOLYN BURNS

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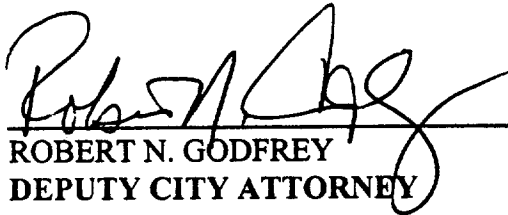
CLAIM OF:

RITA NORWOOD USHER
through her attorney,
Jeffrey Flynn, Esq.
MORRIS & WITCHER
1447 Peachtree Street, NE
Suite 414
Atlanta, Georgia 30309

For bodily injuries alleged to have been sustained when a rock was thrown from a weedeater on July 26, 2001 at Brownsmill Road & Springside Road.

THIS ADVERSED REPORT IS
APPROVED

BY:



ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0518

Date: October 16, 2001

Claimant /Victim RITA NORWOOD USHER
BY: (Atty) (Ins. Co.) Jeffrey Flynn, Esq. MORRISS & WITCHER
Address: 1447 Peachtree Street, NE, Suite 414, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ 25,000.00
Date of Notice: 8/15/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/14/01 Place: Brownsmill Road & Springside Road
Department PUBLIC WORKS Division Solid Waste Services - Grass Cutting
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when the area above her left eye was struck by a rock that was thrown from a weed eater during a grass cutting project by city workers. However, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 10-18-01
Committee Action: Council Action

MORRISS & WITCHER

A Professional Association
ATTORNEYS AT LAW
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STEVE GOLD, of counsel
GERALD TALANSKY, of counsel
(Of counsel)

ENTERED - 8-16-01 - SB
01L0518 - GWEN BURNS

Ante-Litem Notice

August 6, 2001

Robb Pitts
President Atlanta City Council
55 Trinity Street
Suite 2900
Atlanta, Ga 30335

Mayor Bill Campbell
55 Trinity Avenue SW
Suite 2400
Atlanta, Ga. 30335

Re: Rita Norwood Usher
Date of Birth: 10/15/55
Date of Loss: June 14, 2001
Location of Property - Browns Mill Road and Springside Drive

Dear Councilman Pitts and Mayor Campbell:

This is to inform you that a claim is being made as per O.C.G.A. Section 36-33-5, against the city of Atlanta for personal injuries to the above referenced person as a result of the negligence of the City and its employees. The time of the incident is above, the location of the incident is above, the extent of the injury is that the above referenced person suffered physical injuries as a result of a rock hitting her in the face as result of the negligence of your employees while cutting grass. Ms. Usher's personal injuries are in excess of \$25,000. The dollar amount of her medical bills and other special damages has not been determined at this point in time since the injury just occurred.

Sincerely,

Jeffrey Flynn
Attorney at Law